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10/530,039	05/03/2006	Tohru Kanegae	8048-1101	7901
<div>465 7590 01/28/2011</div> <div>YOUNG &amp; THOMPSON 209 Madison Street Suite 500 Alexandria, VA 22314</div>				
EXAMINER				
TEKLE, DANIEL T				
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2481				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

# Office Action Summary

**Application No.**

10/530,039

**Applicant(s)**

KANEGAE ET AL.

**Examiner**

DANIEL TEKLE

**Art Unit**

2481

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (FIC-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Arguments***

Applicant's arguments with respect to claim 23-44 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claim 22-32** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
3. The claim recites, *inter alia*, "An information record medium... ." After close inspection, the Examiner respectfully notes that the disclosure, as a whole, does not specifically identify what may be included as a computer readable storage medium and what is not to be included as a computer readable storage medium.
4. An Examiner is obliged to give claims their broadest reasonable interpretation consistent with the specification during examination. The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals *per se* in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent. See MPEP 2111.01. When the broadest reasonable interpretation of a claim covers a signal, *per se*, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject matter.

5. Therefore, given the silence of the disclosure and the broadest reasonable interpretation, the computer readable storage medium of the claim may include transitory propagating signals. As a result, the claim pertains to non-statutory subject matter.
6. However, the Examiner respectfully submits a claim drawn to such a computer readable medium that covers both transitory and non-transitory embodiments may be amended to narrow the claim to cover only statutory embodiments to avoid a rejection under 35 U.S.C. § 101 by adding the limitation "non-transitory" to the claim. Such an amendment would typically not raise the issue of new matter, even when the specification is silent because the broadest reasonable interpretation relies on the ordinary and customary meaning that includes signals *per se*. For additional information, please see the Patents' Official Gazette notice published February 23, 2010 (1351 OG 212).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 22-44 rejected under 35 U.S.C. 102(e) as being anticipated by Tsuga et al. (US 5,691,972).

**Regarding Claim 22:** Tsuga et al. discloses an information record medium, which can be recorded by an information recording apparatus or which can be reproduce by an information reproducing apparatus, on which there are recorded: a plurality of content in

formations (**column 10 lines 38-48: interleave audio video data**); and a plurality of first informations each indicating a plurality of play list in formations (**column 11 lines 17-22: one title may be made up of one PGC, three PGCs or a much greater number of PGCs**); each of the plurality of play list informations including a plurality of play item informations (**column 11 lines 23-38: the route information for PGC information #1 is made up of pointers which show each of VOBs #1 through #3, while the route information for PGC information entry #2 can be made up of pointers which show each of VOBs #4 through #6, thereby indicating a selected reproduction order of VOBs**); each of the plurality of play item informations defining reproduction sequence of one part of the plurality of content information by a unit of an item (**column 11 lines 23-38: using PGC information #1, first VOB#1 is reproduced, with this being followed by VOB#2 and finally VOB#3. Similarly, by using PGC information #2, first VOB#4 is reproduced, with this being followed by VOB#5 and finally VOB#6**), one play item information can be shared by the plurality of play list informations (**column 12 lines 1-9: FIG. 6, VOB#5 is commonly used by each of PGC#2-#4, VOB#6 is commonly used by each of PGC#2 and PGC#3 and VOB#11 and #12 are commonly used by each of PGC#5 and PGC#6. This use of VOBs is due, for example, to the selective reproduction of one of PGC#2 and PGC#3 as different versions of a same movie, with VOB#4 and VOB#7 being unique to each version and VOB#5 and VOB#6 being common to each version**), wherein some of plurality of content information, are different from each other in reproduction functions required for an information reproduction system to reproduce the plurality of content

information and are adapted to at least partially construct title which is a logically united information united information unit (**column 12 lines 1-9: FIG. 6, VOB#5 is commonly used by each of PGC#2-#4, VOB#6 is commonly used by each of PGC#2 and PGC#3 and VOB#11 and #12 are commonly used by each of PGC#5 and PGC#6. This use of VOBs is due, for example, to the selective reproduction of one of PGC#2 and PGC#3 as different versions of a same movie, with VOB#4 and VOB#7 being unique to each version and VOB#5 and VOB#6 being common to each version**), reproduction sequence of said some of the plurality of content information(**column 11 lines 23-38 and column 12 lines 1-9: reproduction VOB or VA data**) are defined by the plurality of play list information (**column 11 lines 23-38 and column 12 lines 1-9: using plurality of PGC**) indicated by one of the first information (**column 12 lines 1-9: PGC belong to the same version or title**).

**Regarding Claim 23:** Tsuga et al. discloses an information record medium according to claim 22, wherein required function information indicating the reproduction function is further recorded for each of the plurality of play list information (**column 11 lines 23-38: the route information for PGC information #1 is made up of pointers which show each of VOBs #1 through #3, while the route information for PGC information entry #2 can be made up of pointers which show each of VOBs #4 through #6, thereby indicating a selected reproduction order of VOBs**).

**Regarding Claim 24:** Tsuga et al. discloses an information record medium according to claim 22, wherein the plurality of content information include video information and audio information, and the reproduction function is a video reproduction performance

and an audio reproduction performance required for the information reproduction system (**column 10 lines 38-48: Each VOB is composed of a plurality of sets of audio data, a plurality of sets of sub-picture data and management information which are interleaved together with a set of video data**).

**Regarding Claim 25:** Tsuga et al. discloses an information record medium according to claim 24, wherein the required function information is of information, which indicates the video reproduction performance and the audio reproduction performance and is recorded for each of the plurality of play list information (**column 11 lines 23-38: the route information for PGC information #1 is made up of pointers which show each of VOBs #1 through #3, while the route information for PGC information entry #2 can be made up of pointers which show each of VOBs #4 through #6, thereby indicating a selected reproduction order of VOBs**).

**Regarding Claim 26:** Tsuga et al. discloses an information record medium according to claim 25, wherein priority information indicating which of the video reproduction performance and the audio reproduction performance is to be prioritized is further recorded (**column 4 line 61 to column 5 line 2: plurality of object units may be arranged in order of reproduction in the object storage regions. By means of the stated construction, since the video data sequences for different level IDs may use the same objects at least in part, the video data for different versions can be efficiently stored on a disc**).

**Regarding Claim 27:** Tsuga et al. discloses information record medium according to claim 24, wherein the required function information comprises a required function information table in which information indicating whether or not different video reproduction performances are required for each of predetermined ranks and information indicating whether or not different audio reproduction performances are required for each of predetermined ranks are arranged vertically and horizontally as a matrix (**column 12 lines 1-25 and Fig. 7: program chain attributes with different level of setting in order to reproduce AV data**).

**Regarding Claim 28:** Tsuga et al. discloses information record medium according to claim 27, wherein priority information indicating a priority among various combination of said video reproduction performances different for each of said predetermined ranks and said audio reproduction performances different for each of said predetermined ranks is further recorded (**column 10 line 56 to column 11 line 7: program chain (hereinafter, PGC) is a list of VOBs which is decided by the reproduction order described above. Here, by setting the route information, the software title developer can freely combine any number of VOBs in their desired order as a PGC. Program attributes, meanwhile, include information such as whether a parental lock level (rating) has been set and, if so, what the set level is**).

**Regarding Claim 29:** Tsuga et al. discloses an information record medium according to claim 22, wherein each of the play list information includes pointer information designating item information, which is a logically accessible reproduction unit and composes the content information (**column 11 lines 23-38: the route information for**



**PGC information #1 is made up of pointers which show each of VOBs #1 through #3, while the route information for PGC information entry #2 can be made up of pointers which show each of VOBs #4 through #6, thereby indicating a selected reproduction order of VOBs).**

**Regarding Claim 30:** Tsuga et al. discloses an information record medium according to claim 22, wherein title information designating at least one first information from among the plurality of first information which corresponds to the content information to be reproduced, is further recorded to reproduce the plurality of content information as the title **(column 3 line 61 to column 4 line 7: different video data for adult and general viewing versions can be grouped together and distinguished from each other using level IDs. These level IDs are correctly related to every level in the sorting (rating) systems in force in every country or region, so that video data corresponding to the desired level can be reproduced).**

**Regarding Claim 31:** Tsuga et al. discloses an information record medium according to claim 30, wherein the title information includes pointer information designating at least one first information, which corresponds to the content information to be reproduced **(column 11 lines 23-38: the route information for PGC information #1 is made up of pointers which show each of VOBs #1 through #3, while the route information for PGC information entry #2 can be made up of pointers which show each of VOBs #4 through #6, thereby indicating a selected reproduction order of VOBs)**

**Regarding Claim 32:** Tsuga et al. discloses an information record medium according to claim 22, wherein a whole stream including a plurality of partial streams made of the plurality of content information is multiplexed by a packet unit which is a physically accessible unit and stores pieces of the plurality of content information and relationship definition information defining a relationship between packets to be multiplexed and the plurality of partial streams is further recorded, as reproduction control information to control a reproduction of the plurality of content information (**column 14 lines 23-34: FIG. 10 shows the data format of each of the video data, audio data, sub-picture data and management information (PCI) which are interleaved in a VOB. Each kind of data in the illustrated VOB has been converted into packets and packs according to MPEG2 standard).**

**Regarding Claim 33-34:** Claim 33-34 reject for the same reason to claim 22 and 23 respectively as discussed above.

**Regarding Claim 35-36:** Claim 35-36 reject for the same reason to claim 22 and 23 respectively as discussed above.

**Regarding Claim 37:** Tsuga et al. discloses an information reproduction apparatus for reproducing the information record medium according to claim 22, said apparatus comprising: a reproduction device capable of reproducing the plurality of content information, first information and the play list information (**column 15 lines 32-42: a reproduction levels show one of a plurality of levels (the aforementioned L1-L8) which can be distinguished inside the reproduction device**); and a control device

for selecting one play list information (**Fig. 13C: a remote controlling device**), from among plurality of play list information indicated by one of the first information and controlling the reproduction device to reproduce the content information in accordance with the selected play list information (**column 15 lines 32-42: These reproduction levels show one of a plurality of levels (the aforementioned L1-L8) which can be distinguished inside the reproduction device**).

**Regarding Claim 38:** Claim 38 reject for the same reason to claim 24 as discussed above.

**Regarding Claim 39:** Tsuga et al. discloses an information reproduction apparatus for reproducing the information record medium according to claim 23, apparatus comprising: a reproduction device capable of reproducing the plurality of content information (**Fig. 13C: a remote controlling device**), the plurality of first information and the required function information (**column 15 lines 32-42: a reproduction levels show one of a plurality of levels (the aforementioned L1-L8)**); and a control device for selecting one play list information defining the reproduction sequence of the content information reproducible by the information reproduction apparatus (**column 15 lines 32-42: a reproduction levels show one of a plurality of levels (the aforementioned L1-L8) which can be distinguished inside the reproduction device**), from among the plurality of play list information indicated by one of the first information by comparing (i) the reproduction function indicated by the required function information reproduced by the reproduction device with (ii) reproduction function of the information reproduction apparatus indicated by a set function information set for the information reproduction

apparatus (**column 15 lines 32-42: a reproduction levels show one of a plurality of levels (the aforementioned L1-L8) which can be distinguished inside the reproduction device**), and controlling the reproduction device to reproduce the content information in accordance with the reproduction sequence defined by the selected play list information (**column 15 lines 32-42 and Fig. 13C: a remote controller device controlling the reproduction of different level L1-L8**).

**Regarding Claim 40:** Tsuga et al. discloses an information reproduction apparatus according to claim 39, wherein the plurality of content information includes video information and audio information (**column 10 lines 38-48: interleave audio video data**), the reproduction function is a video reproduction performance and an audio reproduction performance required for the information reproduction system (**column 11 lines 23-38: the route information for PGC information #1 is made up of pointers which show each of VOBs #1 through #3, while the route information for PGC information entry #2 can be made up of pointers which show each of VOBs #4 through #6, thereby indicating a selected reproduction order of VOBs**), the required function information is of information indicating the video reproduction performance and the audio reproduction performance recorded for each of the plurality of play list information (**column 11 lines 23-38: the route information for PGC information #1 is made up of pointers which show each of VOBs #1 through #3, while the route information for PGC information entry #2 can be made up of pointers which show each of VOBs #4 through #6, thereby indicating a selected reproduction order of VOBs**), the set function information indicates the video

reproduction performance and the audio reproduction performance of the information reproduction apparatus **(column 15 lines 32-42: a reproduction levels show one of a plurality of levels (the aforementioned L1-L8) which can be distinguished inside the reproduction device)**, and the set function information includes information indicating whether or not the information reproduction apparatus has different video reproduction performances for each of predetermined ranks **(Fig. 12A: rating set for Adult, R, General)** and information indicating whether or not the information reproduction apparatus has different audio reproduction performances for each of predetermined ranks **(column 17 lines 52-62: operation mode setting menus include a rating setting menu for receiving a setting of parental block information in accordance with a user operation and a player setting menu for changing the default settings for audio data and sub-picture data at the start reproduction)**

**Regarding Claim 41:** Claim 41 reject for the same reason to claim 26 and 39 as discussed above.

**Regarding Claim 42:** Tsuga et al. discloses an information reproduction method of reproducing the information record medium according to claim 22, said method implemented with an information reproduction apparatus comprising a reproduction, device capable of reproducing the plurality of content information and the first information and the play list information , said method comprising: a first control process of selecting one play list information from among the plurality of play list information indicated by one of the first information **(column 15 lines 32-42: a reproduction levels show one of a plurality of levels (the aforementioned L1-L8) which can be**

**distinguished inside the reproduction device)** and a second controlling process of controlling the reproduction device to reproduce the content information in accordance with the selected play list information **(column 15 lines 32-42: a reproduction levels show one of a plurality of levels (the aforementioned L1-L8) which can be distinguished inside the reproduction device).**

**Regarding Claim 43-44:** Claim 43-44 reject for the same reason to claim 33 and 37 respectively as discussed above.

**Regarding Claim 45:** Claim 45 reject for the same reason to claim 1 as discussed above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on 571-272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel Tekle/  
Examiner, Art Unit 2481

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